IN THE HIGH COURT OF JUDICATURE OF

ANDHRA PRADESH

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P. NO. 18574 OF 2003

BETWEEN

S.V. SUBRAHMANYAM

PETITIONER

AND

GOVT. OF ANDHRA PRADESH

REP. BY ITS SECRETARY,

SCHOOL EDUCATION, SECRETARIAT,

HYDERABAD AND OTHERS

RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P. No. 18574 OF 2003

ORAL ORDER:

Seeking a writ of mandamus, declaring the action of respondent No.5 in issuing paper publication dated 14.8.2003 to fill up the aided vacancy earmarking the category as School Assistant – Maths –1 O.C. (W), as illegal, the petitioner filed this writ petition.

The petitioner, who holds degree in Education, was appointed as Secondary Grade Teacher in Respondent No.5 institution on 5.9.1983 following the Rules contemplated under the provisions of A.P. Education Act, which was approved by Respondent No.4, and grand-in-aid was released. Subsequently, the petitioner was given Special Grade Promotion consequent upon completion of eight years of service and regular increments were sanctioned. While so, one KCM Prasada Rao, B.Ed. Assistant in Science was superannuated on 30.6.2001 and when respondent No.5 was contemplating to fill the vacancy, the petitioner submitted representations on 2.7.2001 and 26.10.2002 for promoting him as B.Ed., Assistant in Science. It is further averred that when respondent No.5 was intending to appoint a third person, he filed WP No. 11017 of 2003 and the respondents were put on notice. While so, Respondent No.5 issued notification published in Andhra Jhothi Daily, Krishna District on 15.8.2003 calling for applications from eligible candidate to fill up one grant in aid post of School Assistant, Mathematics, which is assailed in this writ petition, contending that the petitioner is the only eligible candidate to be considered for the post, which has arisen consequent upon the retirement of a male science teacher.

A detailed counter is filed by the 5th respondent school. Among other contentions, in paragraph No.4 of the counter, though it is admitted that the impugned notification was issued on 14.8.2003 in respect of the post of School Assistant, Mathematics OC (W), it is stated that the issuance of the said notification is a bona fide mistake and, therefore, in pursuance of the said notification, no action is being taken. It is further averred that after issuance of notification, it was seen that the post of School Assistant Mathematics OC(W) is not recognized or

released by the Department as per Rules and, therefore, they rectified their mistake. It is further submitted that the same was intimated to the applicants against the advertisement individually.

Therefore, when respondent No.5 states that no action is being taken in pursuance of the impugned notification, the applicants including the petitioner shall have no grievance. Recording the same, the writ petition is closed. No order as to costs.

N.V.RAMANA, J.

March 7, 2006

MAS.